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DEC 07 2022

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

DATE: December 6, 2022

FROM: Jason M. Fyk of *Fyk v. Facebook* and *Fyk v. USA*

TO: Chief Judge Seeborg, Judge White, Divisional Managers Hansen and Peric, and Districtwide Clerks Busby and Evans

RE: Fyk Six-Page Notarized Affidavit re: Deprivation of Constitutional Rights and Recipients' Necessary Declaration & Redress, *Etc.* re: *Fyk v. Facebook*, No. 4:18-cv-05159-JSW (N.D. Cal.); No. 19-16232 (9th Cir. Ct.); No. 20-632 (SCOTUS); No. 21-16997 (9th Cir. Ct.); and *Fyk v. USA*, No. 1:22-cv-01144-RC (D.D.C.)

Dear Recipient:

Please be advised that on December 6, 2022, the **original** of this six-page notarized affidavit was sent (*via* FedEx overnight trackable delivery) to Districtwide Clerks Mark B. Busby and Elizabeth Evans at their 450 Golden Gate Avenue, Box 36060, San Francisco, CA, 94102-3489 address, along with other methods of transmission of a **copy** of this affidavit to Mr. Busby and Ms. Evans (such as email and facsimile). Please also be advised that **copies** of the six-page affidavit you are receiving were sent (*via* FedEx overnight trackable delivery and / or email), on December 6, 2022, to the following: Chief Judge Richard G. Seeborg in San Francisco, CA; Judge Jeffrey S. White in Oakland, CA; and Divisional Managers Odile Hansen and Nichole Peric in Oakland, CA. Finally, the only email address I could locate online was jswcrd@cand.uscourts.gov, so a copy of this six-page notarized affidavit was sent there as well. As for the rest of you, I took a reasoned guess as to email addresses, so a copy of this affidavit was also sent to the following email addresses:

rsrd@cand.uscourts.gov
rgs@cand.uscourts.gov
rs@cand.uscourts.gov
rseeborg@cand.uscourts.gov
rgseeborg@cand.uscourts.gov
jwhite@cand.uscourts.gov
jswhite@cand.uscourts.gov
jsw@cand.uscourts.gov
jw@cand.uscourts.gov
ohansen@cand.uscourts.gov
nperic@cand.uscourts.gov
oh@cand.uscourts.gov
np@cand.uscourts.gov
mbusby@cand.uscourts.gov
ms@cand.uscourts.gov
msb@cand.uscourts.gov
eevans@cand.uscourts.gov
ee@cand.uscourts.gov

Six-Page Notarized Affidavit from Jason M. Fyk
To N.D. Cal. Ct. Judges & Personnel
December 6, 2022

Finally, please be advised that similar affidavits have been sent to Congress, the President of the United States of America, the Supreme Court of the United States of America, the Ninth Circuit Court of Appeals, the United States District Court for the District of Columbia, and the Attorney General / Department of Justice.

I thank you in advance for your anticipated careful consideration of this affidavit and your related subsequent prompt rectification / stoppage of the several years of deprivation of my constitutional rights and justice (largely, thus far, at the hands of California district and appellate courts) that I have suffered in relation to the *Fyk v. Facebook* matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason M. Fyk', is written over a horizontal line.

Jason M. Fyk
50 Gibble Rd.
Cochranville, PA 19330
(610) 470-5099
jfyk@socialmediafreedom.org

To: The United States Congress
 The President of the United States
 The Supreme Court of the United States
 The Ninth Circuit Court of Appeals
 The United States District Court for the Northern District of California
 The United States District Court for the District of Columbia
 The Attorney General / Department of Justice

Affidavit Of Notice of Awareness in Administrative Non-Judicial Hearings and Demand for Remedy by Necessity for Government Servants Who Use Authorized Agents to Block Protected Rights.

(Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent)

Affiant, **Jason M. Fyk**, one of the People of the 50 American States (Republic in form), *sui juris* in all respects, in this court of record, does present you with this Affidavit that you and your agents may provide due care, by necessity and demand of one of the People, based on the following claims:

Claim 1: Legislative Tribunals/Agency hearings are not the same as Judicial Tribunals, moving by the common law as seen in the Black's Law Dictionary (4th ed.), which explains qualifications of that type of Court. The People have assembled for their common good and are aware that the definitions in Black's Law Dictionary (5th ed.) have been diminished. I, therefore, put you on notice that *We the People* are no longer ignorant to a person, not sitting as a proper Judge, making nullified or void unconstitutional or untenable orders;

Maxim:

"A judge should keep his jurisdiction within the limits of his commission."

Claim 2: No judge has the power to neglect, ignore, or circumvent the constitutionally required free speech and / or due process rights of *We the People* both in general and in particularly in order to help adversarial agents have their will;

Maxim:

"A judgment given by one who is not the proper judge is of no force and should not harm anyone."

Claim 3: Government servants / Trustees have used statutory programs, in order to create an unconstitutional pathway for corporate entities (*i.e.*, statutorily authorized government agents), to suppress lawful speech, restrict personal liberties, take property, and / or deny full use and accommodation from entities engaged in commerce in the states. Furthermore, Government workers deny People of their right to redress their grievances and to regulate their government through online information sharing, who have a guaranteed right to free speech and due process in the State and Federal Constitutions;

Claim 4: All public officers (including legislative, judiciary, executive, and / or any authorized agent) are the trustees and servants of the People and, at all material times, are amenable / obligated to the People;

E.g., Virginia Constitution Bill of Rights (Section 2)
People the Source of Power

"That all power is vested in, and consequently derived from, the people, that magistrates are their trustees and servants, and at all times amenable to them."

Claim 5: The People have a guaranteed right to frequently bring their government to adhere to fundamental principles;

E.g., Arizona Constitution (Article 2 Section 1)
Fundamental Principles; Recurrence to

"A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government."

Claim 6: Congress cannot immunize (*i.e.*, protect), through authorized agents, any action that defies constitutional right, as it would allow for an entity to abrogate rights guaranteed in the Constitutions;

Maxim:

"He who commands a thing to be done is held to have done it himself." (*e.g.*, Title 47, United States Code, Section 230(c) to "block or screen offensive material").

Maxim:

"What I cannot do myself, I cannot by another." (*e.g.*, Section 230(c)(2)(A) "any action ... taken ... to restrict ... material ... consider[ed] ... objectionable (*i.e.*, lawful), whether or not such material is constitutionally protected").

Miranda v. Arizona, 384 U.S. 436, 491 (1966):

"Where rights secured by the Constitution are involved, there can be no rulemaking or legislation which would abrogate them."

Claim 7: Corporate entities regularly held open to the public, doing commerce across state lines, are not "private" (see Title 2 of Public Accommodation law) and are bound to provide full accommodation to the People in observance of the Constitutions and Statutes of any given State and all applicable federal law;

42 U.S.C. ch. 21 II § 2000a(a):

All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination on the ground of race, color, religion, or national origin.

42 U.S.C. ch. 21 II § 2000a(b):

Each of the following establishments is a place of public accommodation within this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action: ... (3) any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; ...

42 U.S.C. ch. 21 II § 2000a(c):

... (3) of subsection (b), it customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which move in commerce, and (4) in the case of an establishment described in paragraph (4) of subsection (b), it is physically located within the premises of, or there is physically located within its premises, an establishment the operations of which affect commerce within the meaning of this subsection. For purposes of this section, "commerce" means travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any state or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country.

42 U.S.C. ch. 21 II § 2000a(e):

The provisions of this title shall not apply to a private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (b).

Please Take Notice: "Private" entities are entities *not engaged in commerce* and / or are *not regularly held open to the public*. Social media companies (e.g., Google, Facebook, Twitter) are both regularly held open to the public and are engaged in interstate commerce (*i.e.*, places of "exhibitions" or "entertainment," "which move in commerce," engaged in "communication among several states"); thus, Social Media companies are *public accommodations* doing business by the permission of the People who *must respect* the rights of the People;

Please Take Notice: The Legislature's statutory "protection" to deny personal rights (*i.e.*, Section 230 - authorization), the executive's manipulation of same (*i.e.*, collusion between corporate agent and government servant - manipulation), and the Courts' / judiciary's endorsement of same (*i.e.*, denial of personal Due Process rights - immunization) are testament to the failures of this government's adherence to the Constitution and the People's rights. Any law that abridges the People's power to protect the People's rights is a Trespass against the People;

Please Take Notice: The People have discussed and understand that corporations are public accommodations that operate by the authority and will of the People. When using our power and authority to create corporate entities, we require they follow the Constitutions and laws of the State, which derive from the People. Corporate agents, therefore, cannot be ordered, coerced, and / or influenced by government servants to abrogate the People's rights under statutory "*immunity*" granted by our servants, as there has never been (and can never be) a grant of that magnitude;

Please Take Notice: The ability to deal with evil is not at issue here. Government servants are utilizing statutorily authorized (*i.e.*, "protected") corporate agents (*i.e.*,

entities engaged in public commerce across state lines; e.g., Google, Facebook, Twitter) to abrogate the rights of the People. Government servants are misleading the People to believe that corporations, acting under the will of the People, are purportedly acting in the private domain and are accordingly not bound to accommodate the People or their rights;

Please Take Notice: As one of the People, I recognize and understand that you, as a Trustee of the People, must have been granted the authority by the People to delegate and endorse such authority to corporate agents that are acting as public accommodations, by the will of the People, to block the rights of the People. If you, the Trustee of the People, have the Constitutional Authority to grant such authority, please respond with such evidence of such power and / or authority **within 10 days**, sworn under penalty of perjury, and by affidavit;

Maxim:

"If a man grant that which is not his, the grant is void."

Please Take Notice: The People, in the Constitutions of the United States of America (State and Federal), never agreed to endure long and abusive denials of remedy (e.g., *Fyk v. Facebook*, N.D. Cal. and 9th Cir. Ct.) to have what you, as trustees, already swore to give and protect, as a condition for your election, appointment, and / or employment. If you have, or are aware of any grant, to bypass or abrogate the People's constitutional rights, it is my respectful wish, my demand, and my order to respond under penalty of perjury, by sworn affidavit **within 10 days**, with a point-by-point rebuttal of the maxims and common law stated in this notice. If you fail to respond to the aforementioned and in the fashion demanded, within 10 days, and / or you continue to deny the People's right (e.g., my rights), you agree that you are willfully committing a Trespass on the People, with full knowledge, malice, intent, and in contravention to the Constitutional rights you have sworn to protect and that the claims and notice in this Affidavit shall stand as truth and that it shall be accepted as such by all courts. The People, as the creators of your seats and offices, are the real regulators of all governments and demand remedy without delay, price, and / or denial. If you cannot find a remedy for the People, it is my respectful wish, my demand, and my order that you create remedy to serve the People by necessity.

***Mann v. Mann*, 172 P.2d 369, 375 (Cal. App. Ct. 1st Dist. Div. 2 1946):**

"Judicial notice is a form of evidence."

Please Take Notice: Government servants and / or agents, pursuing their own interests, have fallen into *maladministration*. Some examples of such maladministration (voluntarily taken by government actors and / or authorized agents) include, but are not limited to, the following: suppression of free speech and preventing the redress (*i.e.*, due process) of the People's grievances (e.g., *Fyk v. Facebook*), inducing, but not limited to, extraordinary remedy, election interference, blocking evidence of malfeasance, and the manipulation of body politics. All the aforementioned illustrative aggressions violate Federal and / or State Constitutions and / or Trust Indentures and constitute **a national emergency**. Furthermore, as one of the People, with (and by way of) the right to make government servants (all branches and / or agents) duly aware of the wrongdoings being done upon the People and the right to demand for the strict observance of the protections you swore to give the People, I hereby respectfully *demand and order* this body and / or all government agents listed above to immediately allow for special remedies by necessity, under the common law and customs and usage in law, based on the historical principles following the American Revolution.

Maxim:

"Where the ordinary remedy fails, we must have recourse to that which is extraordinary."

As one of the People who has assembled to declare a national emergency by necessity, it is accordingly my respectful wish, my demand, and my order that all government servants and authorized agents of government openly declare that all government servants and / or authorized administrative agent(s) listed above, including this body, were never granted true authority over the rights of the People. Furthermore, the failure of any government servant or authorized agent to misconstrue or misapply their administrative authority, in light of the Constitution, does not change what is the highest law (the Constitution) and it does not change their oath to protect the rights of the People;

It is accordingly my respectful wish, my demand, and my order that all government servants and authorized agents of government, provide immediate remedy to the People, immediately cease and desist all programs and / or agreements between any government entity, agency, or instrumentalities, and any corporate entity who is engaged in public commerce, or holding any government **"protection" for blocking a right** (e.g., Section 230), security, or authorization, and cease and desist any actions taken to restrict the lawful free speech and / or due process rights of the People.

Maxim:

"To take away all remedy for the enforcement of a right is to take away the right itself."

We the People, have the power to create, alter, reform, or abolish government by right. The People have assembled, understand, and are informing that you, as a Trustee, are acting by our power, permission, and at our will, and that you, as a public servant, have absolutely no power to withhold remedy from the People. Nor may you deny, charge for, and / or delay said remedy. It is now the will of the People that you hear the People, as a necessity for the People.

Maxim:

"Remedies for the rights are ever favorably extended." (i.e., Constitutional rights are never time-barred; i.e., never untimely to exercise).

Therefore, pursuant to my Constitutional rights, I, Jason M. Fyk, do hereby respectfully demand that you, as a Trustee of the People, sworn to uphold the Constitution, forthwith respect my right to redress my grievances, and immediately hear my case for the illegal taking of my property and for the denial of my liberties (e.g., deprivation of constitutionally protected due process and / or free speech rights) by an authorized (i.e., Section 230 - statutorily protected) agent of government (i.e., Facebook).

Moreover, I hereby demand that, within the next 10 days, the United States District Court for the Northern District of California hereby, so as to stop the ongoing deprivation of my constitutional rights, withdraw / recall its November 1, 2021, Order [D.E. 51] and replace same with an Amended Order granting my March 22, 2021, Motion for Relief Pursuant to Fed.R.Civ.P. 60(b) to Vacate and Set Aside Entry of Judgment [D.E. 46] and accordingly allowing my case (No. 4:18-cv-05159-JSW) to finally move forward towards trial on the merits.

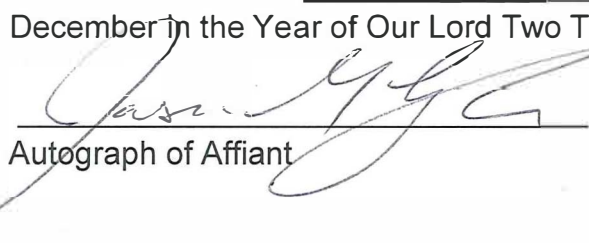
Maxim:

"[W]e hold the general rule to be that, where a federal court of Appeals sua sponte recalls its mandate to revisit the merits of an earlier decision denying habeas corpus relief to a state prisoner, the court abuses its discretion unless it acts to avoid a miscarriage of justice as defined by our habeas corpus jurisprudence."

VERIFICATION

I, Jason M. Fyk, hereby declare, certify, and state, pursuant to the penalties of perjury under the laws of the United States of America, and by the provisions of 28 USC § 1746, that all of the above and foregoing representations are true and correct to the best of my knowledge, information, and belief.

Executed in LANCASTER, Pennsylvania on this 5th day of December in the Year of Our Lord Two Thousand and Twenty-Two.


Autograph of Affiant

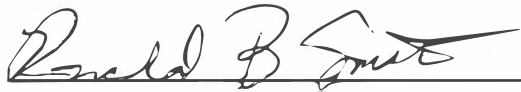
NOTARY AS JURAT CERTIFICATE

PA State }
LANCASTER County }

On this 5th day of December, 2022 (date) before me, Ronald B Smith, a Notary Public, personally appeared affiant, Jason M Fyk, who proved to me on the basis of satisfactory evidence (driver's license) to be the man whose name is subscribed to within this instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his autograph(s) on the instrument the man executed, the instrument in my presence. I certify, under penalty of perjury and under the lawful laws of the State of Pennsylvania, that the foregoing paragraph is true and correct.

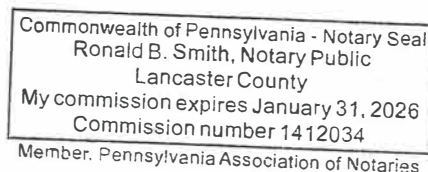
WITNESS my hand and official seal.

Signature of Notary / Jurat:



Seal:


Jason M. Fyk



Date: December 2, 2022.